THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10185 of 2007

Dated: 17-07-2007

Between:

Meesala Papinaidu.

..... PETITIONER

AND

The Joint Collector, Srikakulam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10185 of 2007

ORDER:

The petitioner was assigned land admeasuring Acs.4.48 in survey No.152-4 situated at Rayalingaripeta Village, H/o Tamvada, Laveru Mandal, Srikakulam District. He filed a suit, being O.S.No.113 of 2006 on the file of the Court of the Principal Junior Civil Judge, Srikakulam, for permanent injunction against M/s Meesala Prakasha Rao and two others alleging that they are trying to interfere with his possession. The suit was decreed *ex parte* on 28.07.2006. When there was still interference, he filed E.P.No.61 of 2007 for execution of the decree, which is pending. In the meanwhile, it is alleged that due to political pressure, the respondents are trying to interfere with the possession of the petitioner. Therefore, he filed instant writ petition.

A counter-affidavit is filed by the Mandal Revenue Officer(MRO), third respondent herein, denying the allegation that there is interference by the revenue authorities. It is also averred that the petitioner filed instant writ petition without there being any threat or any action by the revenue authorities in the matter of dispossession. No reply-affidavit is filed denying the counter averments.

This writ petition cannot be accepted on two reasons. First, the petitioner filed civil suit and also execution petition. Nothing prevents him to pursue the same. Even though there is no interference by MRO, instant writ petition is filed on false allegations. The writ petition is, therefore, dismissed with exemplary costs of Rs.2,000/-.

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(**V.V.S.RAO, J**)

17th July, 2007

ghn